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GENERAL ASSEMBLY
Fifty-third session
Agenda item 72 (d)
REVIEW AND IMPLEMENTATION OF THE CONCLUDING DOCUMENT OF THE TWELFTH SPECIAL SESSION OF THE GENERAL ASSEMBLY: REGIONAL CONFIDENCE-BUILDING MEASURES: ACTIVITIES OF THE UNITED NATIONS STANDING ADVISORY COMMITTEE ON SECURITY QUESTIONS IN CENTRAL AFRICA

SECURITY COUNCIL
Fifty-third year

Letter dated 3 November 1998 from the Permanent Representative of Cameroon to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the report and Yaoundé Declaration on Peace, Security and Development adopted by the Ministers for Foreign Affairs of the member countries of the United Nations Standing Advisory Committee on Security Questions in Central Africa at the conclusion of their tenth meeting, held at Yaoundé, Cameroon, from 26 to 30 October 1998.

I should be grateful if you would have this letter and its annexes circulated as a document of the General Assembly and of the Security Council.

(Signed) Martin BELINGA EBOUTOU
Minister Plenipotentiary

ANNEX I

Report of the United Nations Standing Advisory Committee on Security Questions in Central Africa on its Tenth Ministerial Meeting held at Yaoundé from 26 to 30 October 1998

INTRODUCTION

1. The tenth meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa was held at Yaoundé from 26 to 30 October 1998.

2. The following States members took part in the meeting: Burundi, Cameroon, Central African Republic, Chad, Congo, Democratic Republic of the Congo, Equatorial Guinea, Gabon and Sao Tome and Principe. Angola and Rwanda were unable to attend.

3. The following also participated in the work of the meeting: the representative of the Secretary-General of the United Nations; the representative of the Secretary-General of the Organization of African Unity (OAU); and the Secretary-General of the Central African Customs and Economic Union (CACEU)/CEMAC.

4. The host country for the ministerial meeting invited the five permanent members of the United Nations Security Council and the following countries as observers: Belgium, Canada, Germany, Italy, Japan, the Netherlands and the Republic of Korea.

5. At the opening ceremony of the ministerial meeting, statements were made by: the current Chairman of the Committee, His Excellency Mr. Casimir Oyemba, Minister for Foreign Affairs and Cooperation of the Gabonese Republic; the representative of the Secretary-General of the United Nations, Mr. Cheikh-Tidiane Gaye, Director of the United Nations Office in the Democratic Republic of the Congo, who read out a message from the Secretary-General; the representative of the Secretary-General of the Organization of African Unity, His Excellency Mr. Pascal Gayama, Assistant Secretary-General of OAU, who read out a message from the Secretary-General of OAU; and His Excellency Mr. Peter Mafany Musonge, Prime Minister, Head of Government of the Republic of Cameroon, who formally opened the meeting.

ADOPTION OF THE AGENDA

6. The Committee adopted the following agenda:

(i) Election of the Committee Bureau.

(ii) Report of the outgoing Bureau, by the Chairman.

(iii) Consideration of the report of the Secretary-General of the United Nations on the causes of conflict and the promotion of durable peace and sustainable development in Africa.

(iv) Review of the geopolitical and security situation in Central Africa.

(v) Inter-State cooperation in security matters among the countries of Central Africa.

(vi) Evaluation of the implementation of the decisions and recommendations of the Standing Advisory Committee contained in the report of the Meeting of Ministers of Defence and of the Interior held at Libreville, Gabon, from 28 to 30 April 1998, and in the Bata Declaration, adopted at the ministerial meeting held at Bata, Equatorial Guinea, from 18 to 21 May 1998, on democratic institutions and peace in Central Africa, including:

Establishment of an early warning mechanism;

Organization of military exercises in connection with peacekeeping operations between the armed forces of the countries of Central Africa;

Establishment of a Supreme Council for the promotion of peace and the Prevention, Management and Resolution of Political Crises and Armed Conflict in Central Africa;

Establishment of a subregional parliament in Central Africa.

(vii) Consideration of the proposed establishment of a subregional centre for human rights and democracy.

(viii) Consideration and adoption of the report of the ministerial meeting.

(ix) Consideration and adoption of the final declaration.

CONDUCT OF WORK

I. ELECTION OF THE COMMITTEE BUREAU

7. The Committee elected a new Bureau, as follows:

Chairman: Cameroon

First Vice-Chairman: Chad

Second Vice-Chairman: Burundi

Rapporteur: Democratic Republic of the Congo.

II. REPORT OF THE OUTGOING BUREAU

8. The Committee took note of the report by His Excellency Mr. Casimir Oyemba, Minister for Foreign Affairs and Cooperation of the Gabonese Republic, as outgoing Chairman. The Committee expressed its gratification at the dynamism and efficiency with which the outgoing Bureau had discharged its mandate.

III. CONSIDERATION OF THE REPORT OF THE SECRETARY-GENERAL OF THE UNITED NATIONS ON THE CAUSES OF CONFLICT AND THE PROMOTION OF DURABLE PEACE AND SUSTAINABLE DEVELOPMENT IN AFRICA

9. The Committee reaffirmed the importance and relevance of the recommendations contained in the report of the Secretary-General of the United Nations. It decided to make the report a working document.

10. The Committee welcomed the fact that the Security Council and General Assembly of the United Nations and international financial institutions had undertaken to help Africa to implement the recommendations contained in the Secretary-General's report. In that connection it welcomed with satisfaction the adoption of Security Council resolution 1197 (1998), which requested the Secretary-General of the United Nations to assist OAU and subregional organizations in conflict prevention and peacekeeping and peace-building in Africa.

11. The Committee noted that several recommendations contained in the Secretary-General's report had already been implemented in the subregion and that they mirrored, for the most part, the measures which it had previously adopted.

12. The Committee invited the United Nations and the international community to support the projects formulated by it to implement the recommendations contained in the report.

13. In view of the importance of the recommendations contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Committee mandated its Bureau to take appropriate steps to organize a high-level seminar aimed at facilitating implementation of the recommendations of relevance to Central Africa.

IV. REVIEW OF THE GEOPOLITICAL AND SECURITY SITUATIONS IN CENTRAL AFRICA

Burundi

14. The Committee welcomed the positive developments in Burundi and in particular the conclusion of the agreement on the political platform between the Government and the National Assembly with a view to establishing transition institutions.

15. It encouraged the Government to maintain the dialogue begun with all the parties to the conflict, including the armed bands.

16. The Committee mandated the Chairman of the Bureau to take appropriate steps with a view to the immediate lifting of the embargo, which had had disastrous consequences for the population of Burundi and in particular the most vulnerable segments of Burundian society.

Cameroon

17. The Committee welcomed the climate of peace and stability prevailing after the various electoral exercises held in Cameroon. In that regard it welcomed the policy of openness, reconciliation and participation followed by the President of the Republic of Cameroon, His Excellency Mr. Paul Biya. That policy would assist in the promotion and consolidation of "quiet democracy", a factor for social peace.

18. In view of the importance for peace and security in the Gulf of Guinea of the border dispute between Cameroon and Nigeria, the Committee supported the efforts of the Cameroonian Government in the quest for a peaceful settlement through legal means of the dispute. In that connection it called on all States parties to the Geneva Convention relative to the Treatment of Prisoners of War to ensure its full implementation. The Committee noted with satisfaction the attitude of Cameroon in that regard.

19. The Committee noted with satisfaction that the International Court of Justice had declared itself competent to hear the dispute. It appealed to friendly countries and to the international community for assistance in maintaining peace between the two countries before, during and after the Court's verdict.

20. In that regard the Committee urged the two parties to comply fully with the interim measures of protection handed down by the Court in its order of 15 March 1996.

Congo

21. The Committee welcomed the restoration of peace in the Congo and took note with satisfaction of the measures taken by the Congolese authorities to promote national reconciliation, the reconstruction of the country, respect for fundamental rights and freedoms and the relaunching of the democratic process.

22. It appealed to the international community to support the efforts of the Congo, which fell fully within the context of the consolidation of peace.

Gabon

23. The Committee welcomed continuance of the democratic process in Gabon, in particular the establishment of institutions for the regulation of democracy, such as the National Council on Communication (CNC) and the National Council on Democracy.

24. The Committee took note of the imminent holding in Gabon for the second consecutive time since the advent of a multi-party system of free and transparent presidential elections.

25. The Committee also commended the constant efforts of the President of the Gabonese Republic, His Excellency Mr. El Hadj Omar Bongo, to promote peace and security in the Central African subregion.

Equatorial Guinea

26. The Committee took note of the information provided by the delegation of Equatorial Guinea on the events which had taken place in that country on 17 May 1997 and 21 January 1998.

27. The Committee commended the Government of Equatorial Guinea on its efforts to restore peace and national harmony.

28. It recommended closer cooperation among the countries of Central Africa to avoid destabilization of the subregion.

Democratic Republic of the Congo

29. The Committee, deeply concerned by the situation obtaining in the Democratic Republic of the Congo, welcomed the varied initiatives taken to reach a settlement of the crisis in that country, in particular that of 24 September 1998 by the President, His Excellency El Hadj Omar Bongo.

30. The Committee made an urgent appeal for the conclusion of a ceasefire and for the respect for the principles of the inviolability of inherited colonial borders, national sovereignty, territorial integrity and non-intervention, set forth in the Charters of the Organization of African Unity and of the United Nations.

31. The Committee mandated the Chairman of the Bureau to take all initiatives that might contribute to a final settlement of the crisis and to the immediate and unconditional withdrawal from the Democratic Republic of the Congo of foreign forces of aggression.

Central African Republic

32. The Committee welcomed the positive developments in the Central African Republic owing, inter alia, to the presence of the United Nations Mission (MINURCA). Nevertheless, it noted that:

Restructuring of the Central African armed forces was still under way;

Forty-five per cent of the light weapons had yet to be collected;

The situation remained precarious.

33. The Committee strongly recommended the maintenance of MINURCA beyond the holding of legislative and presidential elections. It mandated the Chairman of

the Bureau to undertake initiatives in that regard vis-à-vis the Security Council and the Secretary-General of the United Nations.

Sao Tome and Principe

34. The Committee again noted with satisfaction the efforts of the Government of Sao Tome and Principe to consolidate the democratic process which was assisting in the strengthening of peace in the subregion.

35. In that regard, the Committee took note with satisfaction of the positive status of preparations for the holding, in early November, of the third pluralist legislative election.

Chad

36. The Committee welcomed the outstretched-hand policy of President Idriss Deby.

37. It welcomed the measures taken to restrict the circulation of small-calibre weapons and the decisive manner in which disarmament operations had been carried out.

38. It also welcomed the commencement of demining operations through the support of friendly countries, and encouraged the international community and non-governmental organizations to make contributions with a view to concluding those operations.

39. The Committee encouraged Chad to consolidate peace by maintaining its policy for the promotion of human rights.

V. INTER-STATE COOPERATION IN SECURITY MATTERS AMONG THE COUNTRIES OF CENTRAL AFRICA

40. During the consideration of this item, the Committee noted with satisfaction the actions and initiatives taken by the States members within the framework of cooperation in security matters aimed, in particular, at lessening tension and combating insecurity in the border areas as well as making it possible to have exchanges between the various national structures dealing with these questions.

41. In view of the transborder nature of most of the security problems in the subregion and owing to the need to respond to them in a joint and concerted manner, the Committee strongly recommended greater cooperation and dialogue among the security forces of the Central African countries, particularly within the framework of periodic meetings and the organization of joint operations.

42. The Committee expressed grave concern about the phenomenon of the illegal circulation of small-calibre weapons and drug trafficking, which constitute a major factor for insecurity in the subregion; it recommended the holding of a subregional conference on these questions and the elaboration of legal

monitoring instruments and the adoption of other appropriate measures to deal with that scourge.

43. A mandate was given to the Chairman of the Bureau to request the Secretary-General of the United Nations and the heads of the international organizations concerned to provide the necessary assistance for speedily organizing such a conference.

44. Recalling the importance of the Non-Aggression Pact concluded in 1996 between the countries of Central Africa for peace and security in the subregion, the Committee invited the countries that had signed the Pact to ratify it. It mandated the Chairman of the Bureau to continue the initiatives undertaken with the countries of the subregion, particularly Angola and Rwanda, which have not yet signed the Pact, so that it can enter into force as soon as possible.

45. Aware of the need to strengthen cooperation in the field of peace and security in the subregion, the Committee recommended the establishment of an appropriate legal framework.

VI. EVALUATION OF THE IMPLEMENTATION OF THE DECISIONS AND RECOMMENDATIONS OF THE STANDING ADVISORY COMMITTEE CONTAINED IN THE REPORT OF THE MEETING OF MINISTERS OF DEFENCE AND OF THE INTERIOR, HELD AT LIBREVILLE, GABON, FROM 28 TO 30 APRIL 1998, AND IN THE BATA DECLARATION, ADOPTED AT THE SUBREGIONAL CONFERENCE ON DEMOCRATIC INSTITUTIONS AND PEACE IN CENTRAL AFRICA, HELD AT BATA, EQUATORIAL GUINEA, FROM 18 TO 21 MAY 1998, INCLUDING:

Establishment of an early warning mechanism

46. After an in-depth exchange of views on this item and taking into consideration, in particular, the progress made in this area, the Committee committed itself to the effective establishment of an early warning mechanism, thanks to the voluntary contribution made by the Government of the United States of America through OAU and a grant allocated from available resources in the Trust Fund.

47. The Committee once again appeals to the international community to contribute generously to the Trust Fund.

48. The Committee mandated the Chairman of the Bureau to take all necessary steps approaching the Secretary-General of the United Nations with a view to obtaining assistance for putting the mechanism into operation.

Organization of military exercises in connection with peacekeeping operations between the armed forces of the countries of Central Africa

49. The Committee took note of the recommendations contained in the report drawn up on the question by experts from the subregion and submitted to the various general staffs. It stressed, in particular, the need both to organize

joint military exercises for peacekeeping operations and to ensure an effective contribution by the States members themselves to the holding of those exercises.

50. Taking into account, however, the sizeable amount of resources necessary for organizing such exercises, which aim to strengthen the operational capacities of the countries of the subregion in maintaining peace, the Committee appealed to the international community and, in particular, to the United Nations to provide considerable assistance.

51. In this regard, the Committee mandated the Chairman of the Bureau to continue the necessary initiatives with the United Nations and the donor countries.

Establishment of a Supreme Council for the Promotion of Peace and the Prevention, Management and Resolution of Political Crises and Armed Conflict in Central Africa

52. The Committee recognized the need to establish, within the subregion, a structure for preventing, managing and resolving conflicts making it possible to overcome the current institutional vacuum in this field; such a structure would help to strengthen trust and promote peace, security and lasting development in Central Africa.

53. To that end, it recommended that consideration should be given to the question of establishing a "Supreme Council for the Promotion of Peace and the Prevention, Management and Resolution of Political Crises and Armed Conflict in Central Africa" through a summit meeting of heads of State and Government of the subregion. The Committee mandated the Chairman of the Bureau to initiate consultations for holding such a summit meeting.

Establishment of a subregional parliament

54. The Committee took note of the conclusions of the Ministerial Conference in Bata recommending the establishment of a subregional parliament. It welcomed the efforts already made by the President of Equatorial Guinea, His Excellency Mr. Obiang Nguema Mbasogo, to implement the project.

55. The Committee recommended that those efforts should continue in order to enable a summit meeting of heads of State and Government to establish the subregional parliament. A meeting to be convened by the Chairman of the Bureau and attended by experts and members of parliament was recommended in this regard.

VII. CONSIDERATION OF THE PROJECT TO ESTABLISH A SUBREGIONAL CENTRE FOR HUMAN RIGHTS AND DEMOCRACY

56. The Committee once again expressed its support for establishing in Yaoundé a subregional centre for human rights and democracy under the auspices of the United Nations High Commissioner for Human Rights.

57. A mandate was given to the Chairman of the Bureau to take the necessary steps to carry out this project.

VIII. CONSIDERATION AND ADOPTION OF THE REPORT OF THE MINISTERIAL MEETING

58. After considering the draft text, the Ministers adopted this report, which approves the work of the tenth ministerial meeting of the United Nations Standing Advisory Committee on Security Questions in Central Africa.

IX. CONSIDERATION AND ADOPTION OF THE FINAL DECLARATION

At the conclusion of their work, the Ministers also adopted the Yaoundé Declaration on Peace, Security and Development in Central Africa, which is annexed to the report.

ANNEX II

Yaoundé Declaration on peace, security and development in Central Africa, adopted at Yaoundé on 30 October 1998

1. The tenth meeting of Ministers for Foreign Affairs of States members of the United Nations Standing Advisory Committee on Security Questions in Central Africa was held in Yaoundé, Cameroon, from 29 to 30 October 1998.

2. The Ministers recalled that the Committee had been established by the United Nations General Assembly on the initiative of countries members of the Economic Community of Central African States (ECCAS). They again stressed the Committee's political importance as the preferred forum for dialogue in the subregion concerning confidence-building, peace and security.

3. The Ministers therefore recommended that the Committee should establish its presence in the subregion so as to make its programme of activities more operational. In that connection, member States reaffirmed their commitment to contribute financially to the Committee's programme of activities.

4. The Ministers acknowledged that since the end of the cold war, security questions had assumed a multidimensional character which called for the implementation of measures covering the political area and also arms limitation and control, development and human rights. To that end, the Ministers mandated the Chairman of the Bureau with ensuring that that comprehensive approach was fully reflected in the discussion by the United Nations General Assembly of the agenda item concerning the Committee's activities.

5. The Ministers reiterated their attachment to the fundamental principles set forth in the Charters of the United Nations and of the Organization of African Unity, including:

Sovereign equality of all States

Non-interference in the internal affairs of States

Respect for the sovereignty and territorial integrity of each State

Inviolability of inherited colonial borders

6. The Ministers acknowledged that the establishment of lasting peace and sustainable development in Central Africa called for solidarity and full cooperation among all member States of the Committee. In that connection, they recommended that their representatives in the various international bodies should consult one another on an ongoing basis in order to harmonize their positions on issues of common interest. They decided to establish a committee of ambassadors of all member States at the level of all international organizations to harmonize and coordinate their positions on peace and security in Central Africa.

7. The Ministers expressed profound disquiet at the continuing tensions, crises and conflicts in Central Africa. They underscored their great concern at the situation which continued to cause the loss of many human lives, and also substantial material damage and indescribable suffering to the population, inter alia, to refugees and displaced persons.

8. Emphasizing the importance of prevention as a means of averting the eruption of further conflicts in the subregion, the Ministers reiterated the need for the establishment as soon as possible of an early warning system for Central Africa and for the establishment by the Heads of State and Government of a dispute settlement body.

9. The Ministers encouraged the countries of the subregion to work with renewed determination to promote respect for human rights and freedoms and the establishment of the rule of law and democratic political systems so as to permit full participation in political life by all social forces.

10. Considering that peace and development are inextricably linked, the Ministers emphasized the need for countries of the subregion to mobilize the bulk of their resources and efforts in order to improve the situation of their people and, in particular, of the most underprivileged groups. They also recognized that the debt burden weighing on their countries was likely to mortgage their development efforts. Accordingly, they launched an urgent appeal to their bilateral and multilateral partners for an appropriate solution to be found to that thorny problem.

11. The Ministers declared that the struggle for the eradication of poverty should be a major concern of their countries with a view to the establishment of a lasting peace. Strongly emphasizing that the difficult economic situation of member States of the Committee constituted a factor of instability that threatened peace and security in the subregion, they launched a pressing appeal to the international community and, in particular, to the international financial institutions, for increased support for their economic recovery efforts.

12. The Ministers emphasized the need to intensify cooperation and multifaceted trade between their countries, inter alia, by revitalizing economic groups, so as to encourage mixing of their peoples and to establish a culture of peace and of dialogue in the customs of the subregion.

13. The Ministers expressed their profound concern regarding the conflict in the Democratic Republic of the Congo, which carries within it the seeds of serious risk of destabilization of the entire subregion.

14. Recalling the declaration issued by the Heads of State and Government of Central Africa at the close of their meeting of 24 September 1998 at Libreville, they appealed for a ceasefire in the Democratic Republic of the Congo, for the immediate and unconditional withdrawal of foreign forces of aggression, for respect for the national sovereignty and territorial integrity of the Democratic Republic of the Congo and for the stepping up of the democratization process in that country.

15. Having in mind the Libreville Declaration of 24 September 1998, and expressing their profound concern regarding the deterioration of the situation in Angola and the halting of the peace process in that country, the Ministers urged the União Nacional para a Independência Total de Angola (UNITA) to comply forthwith with the peace agreements, the Lusaka Protocol and relevant resolutions of the Security Council.

16. The Ministers welcomed the decision of the Security Council to extend the mandate of the United Nations Observer Mission in Angola (MONUA) until 3 December 1998 and launched an urgent appeal to all parties to embark resolutely on the road to peace and national construction in order to put an end to the hideous suffering that the Angolan people and, in particular, displaced persons, continued to endure.

17. Stressing the importance of the United Nations Observer Mission in Angola at this critical point in that country's history, the Ministers launched a pressing appeal to the international community asking it to support the presence of that observer Mission beyond 3 December 1998, so as to once again give the process of peace and national reconciliation a chance and thereby avert a general conflagration of the country.

18. The Ministers paid tribute to the memory of Mr. Alioune Blondin Beye, who had perished with his staff, for his invaluable contribution to the search for peace in Angola.

19. The Ministers acknowledged that full implementation of the Bangui Agreements and National Reconciliation Pact is essential to national peace and reconciliation in the Central African Republic. They welcomed the significant progress made by the Central African Government in implementing the Bangui Agreements and the launching of major political and economic reforms.

20. The Ministers noted with satisfaction the decision by the Security Council to include in the mandate of the United Nations Mission in the Central African Republic (MINURCA) support for the organization of the legislative elections of 22 November and 13 December 1998.

21. Recalling the importance of the role of MINURCA in the maintenance of a climate of security and stability conducive to the strengthening of the process of national reconciliation in the Central African Republic, the Ministers emphasized that MINURCA should not end its activities once and for all until the electoral processes were completed and national reconciliation was sufficiently consolidated.

22. Underscoring the need for the continuation of a constructive dialogue between all elements of the population of Burundi, with a view to strengthening the national reconciliation process, the Ministers expressed concern at the suffering endured by the Burundian people due to the embargo against that country, and launched a pressing appeal for the immediate lifting of that embargo.

23. The Ministers expressed their concern at the persistence of tensions between Cameroon and Nigeria in the Bakassi peninsula. They reaffirmed the need

for the two countries, which have referred the matter to the International Court of Justice for a peaceful settlement of their dispute, to avoid any action that might increase tension between them. They further urged those countries to abide scrupulously by the provisions of the Geneva Convention relative to the Treatment of Prisoners of War. Finally, they appealed to the international community for assistance in preserving the peace before, during and after the verdict of the International Court of Justice.

24. The Ministers mandated the Chairman of the Bureau with undertaking and carrying out any mediation likely to help restore or strengthen peace and a lasting national reconciliation in the member States in crisis.

25. The Ministers appealed to the United Nations for assistance in organizing a subregional conference on ways and means of halting the proliferation and illicit marketing of arms and drugs in Central Africa.

26. The Ministers noted that their meeting was taking place at a time when the United Nations was celebrating the fiftieth anniversary of peacekeeping operations. They reaffirmed their support for the Secretary-General of the United Nations and expressed their profound gratitude to the Organization for its unflagging efforts to restore and strengthen peace in Africa and, in particular, in the central African subregion.

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AND ITS IMPLICATIONS FOR
INTERNATIONAL PEACE AND SECURITY

SECURITY COUNCIL
Fifty-third year

Identical letters dated 4 November 1998 from the Permanent Representative of Afghanistan to the United Nations addressed to the Secretary-General and to the President of the Security Council

Referring to document A/53/540-S/1998/999 dated 26 October 1998, I have the honour to enclose an official note dated 4 November 1998 from the Ministry of Foreign Affairs of the Islamic State of Afghanistan and the text appended to it (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 45, and of the Security Council.

(Signed) A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

Annex

Note verbale dated 4 November 1998 from the Ministry of Foreign Affairs of Afghanistan addressed to the Secretary-General and to the President of the Security Council

The Ministry of Foreign Affairs of the Islamic State of Afghanistan presents its compliments to His Excellency the Secretary-General of the United Nations and has the honour to present herewith "How the Taliban slaughtered 8,000", an article, dated 1 November 1998, in The Sunday Times (London), by Michael Sheridan (see appendix).

Appendix

THE SUNDAY TIMES · 1 NOVEMBER 1998

How the Taliban slaughtered 8,000

by Michael Sheridan

THE first detailed eyewitness accounts of the massacre of up to 8,000 people by Islamic fundamentalist Taliban fighters who ran amok in the northern Afghan city of Mazar-e-Sharif last August have been passed to western governments.

Testimony compiled by international observers and handed to western diplomats in Pakistan reveals that hundreds of people were packed into containers where they suffocated when the doors were locked in the searing midday heat. Men, women and children were shot in their homes and on the street, and hospital patients were murdered in their beds.

The massacre occurred when, during an offensive aimed at seizing full control of Afghanistan for the first time, Mazar-e-Sharif was overrun by the Taliban, who have imposed the world's most extreme interpretation of Islam, barring women from education, banning television and forcing men to wear beards.

Statements made available to The Sunday Times describe a campaign of slaughter directed against a Shia Muslim minority, the Hazara. The evidence, regarded by experienced aid officials as "highly credible", paints a ghastly picture of butchery and rape as the Taliban shot and cut the throats of Hazaras.

The claims are supported by the influential American group Human Rights Watch, which is due to reveal its own findings on the massacre today and will call on the United Nations to investigate what it describes as "one of the single worst examples of killings of civilians in Afghanistan's 20-year war".

The detailed evidence of Taliban atrocities will embarrass western policymakers who still see the fundamentalists as useful players in a modern "great game" to keep Iranian and Russian influence out of Afghanistan and so ensure that the huge oil and gas riches of central Asia remain a prize for western multinationals.

Ten diplomats from Tehran were among those who died, prompting Iran to mass 200,000 troops on its border with Afghanistan to bolster demands for the killers to be handed over for trial. Troop "manoeuvres" were due to begin yesterday.

Based on eyewitness statements, The Sunday Times has pieced together an account of the nightmare that engulfed Mazar-e-Sharif when the Taliban entered the city from the west on the morning of August 8. They were intent on avenging a massacre of some 2,000 of their own men in 1997, when the Hazaras and other fighters turned against them.

There ensued what one witness called "a frenzy" of vengeance killing. The Taliban fighters swept through the city, firing heavy machineguns mounted on pickup trucks. One man described how the streets were covered with bodies and blood. The Taliban, he said, forbade anyone to bury the corpses for six days.

On the second day, according to numerous witnesses, the Taliban began a house-to-house search for Hazara men. Hazaras, descended from Mongols, are easy to recognise by their distinctive Asiatic features compared with the ethnic Pashtuns who make up the ranks of the Taliban. They share their Shia faith with Iran, while the Taliban are Sunni Muslims.

A witness whose testimony is described as "extremely reliable" by aid officials said most of the victims had been shot in the head, the chest and the testicles. Others had been slaughtered in what he called "the halal way" — by having their throats slit.

One housewife, who has since fled to Pakistan, said the Taliban entered her house and shot her husband and her two brothers dead. Then they cut the men's throats in front of the woman and her children.

Another piece of testimony explained why one Taliban was "very worried he might be excluded from heaven". He had personally shot people in nearly 30 houses, opting to kill them as soon as they opened the door. After killing the men in two homes, he learnt that they were not Hazara but Pashtun. "That he had killed people in 28 Hazara households seemed not to cause him any concern at all," the witness said.

Men not murdered on the spot were "stuffed into containers after being badly beaten", said another witness. He saw the doors opened on a container after all the men inside had died from suffocation.

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He also testified that some containers were filled with children who were taken to an unknown destination after their parents had been killed.

Human Rights Watch has obtained gruesome confirmation of the Taliban's penchant for death by container. It quotes a man who was detained by the militia and saw container trucks filled with victims leaving the Mazar-e-Sharif jail several times every day.

Once he watched as the Taliban opened the container doors to find three prisoners alive and about 300 dead. The Taliban drove the trucks to a desert site known as Dasht-e-Leili and ordered porters to dump the cargo of corpses in the sands.

The Human Rights Watch report and other statements identify three Taliban leaders who appear to be guilty of incitement to kill victims purely because of their ethnic origin. They are:

▶ Mullah Manon Niazi, the new Taliban governor of Mazar-e-Sharif. Numerous witnesses heard him make speeches at mosques and on radio inciting hatred of Hazaras. "Wherever you go we will catch you," he said. "If you go up, we will pull you down by your feet; if you hide below we will pull you up by your hair." One witness testified that Niazi personally selected prisoners to be consigned to the death containers.

▶ Mullah Musa, the so-called director of public health. A witness said Musa toured a public hospital looking for Hazara patients to mark out for death. Later that day, the witness heard from a doctor that Musa had taken a group of gunmen to the army hospital, where they had murdered all 20 or so patients, and relatives who had been visiting them.

▶ Maulawi Mohammed Hanif, a Taliban commander who announced to a crowd of 300 people summoned to a mosque that the policy of the Taliban was to "exterminate" the Hazaras.

International aid workers fear the killings are continuing following the recent fall of the central Afghan town of Bamiyan. They have said thousands of people remain unaccounted for.

Mass mourning: the Tehran funeral of Iranian diplomats killed in Mazar-e-Sharif

No mercy: men, women and children were murdered in their homes as Taliban gunmen took over Mazar-e-Sharif

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SECURITY COUNCIL
Fifty-third year

Letter dated 3 November 1998 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 2 November 1998, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda items 62 and 153, and of the Security Council.

(Signed) Volkan VURAL
Ambassador
Permanent Representative

ANNEX

Letter dated 2 November 1998 from Mr. Aytuğ Plümer addressed to the Secretary-General

I have the honour to refer to the statements made by Greek Cypriot representatives at the meeting of the Sixth Committee on 22 October 1998, under agenda item 153, entitled "Establishment of an international criminal court", in which unfounded allegations were made with a view to distorting the nature of the Cyprus question. Since the Turkish Cypriot side is being denied its right to speak in the said Committee, I am compelled to respond to these allegations in writing.

At the outset, I wish to remind the Greek Cypriot side which depicts the Turkish Republic of Northern Cyprus as "occupied areas" or "illegal entity" that the only occupation in Cyprus is the 35-year-old usurpation and continued occupation by the Greek Cypriot side of the seat of government of the bi-national Republic of Cyprus established under international treaties in 1960. Thus, the usurper Greek Cypriot regime or its representatives have no right to question the legality of the Turkish Republic of Northern Cyprus, as an independent State, which was established through the free and democratic will of the Turkish Cypriot people.

The Greek Cypriot representative unabashedly assumes the role of the "victim" in Cyprus when successive reports of the United Nations Secretary-General and of the international press provide ample graphic evidence of a systematic campaign of ethnic cleansing directed against the Turkish Cypriot people by the Greek Cypriots, with the support of Greece, during the period 1963-1974. As a result of the Greek Cypriot armed onslaught, thousands of Turkish Cypriots were killed, maimed or wounded; one fourth of the Turkish Cypriot population was driven out of 103 villages as the Greek Cypriots systematically tried to eradicate the Turkish Muslim heritage of Cyprus by destroying mosques, shrines and other places of Muslim worship across the island (a list of mosques and Muslim shrines destroyed or damaged by Greek Cypriots until 20 July 1974 was issued as an appendix to document A/53/519-S/1998/973). From 1963, the Turkish Cypriots have been forced to live in scattered enclaves across the island under deplorable conditions, faced with harsh economic restrictions and besieged by hostile Greek Cypriot armed elements.

Today the Greek Cypriot side pursues a policy of escalation and tension on the island within the context of the Joint Military Doctrine with Greece and continues to impose an all-out inhuman embargo on Northern Cyprus with a view to politically isolating the Turkish Cypriot people and hampering its economic and social development. The inhuman measures of embargo being applied with full force against the Turkish Cypriot people range from denying it the right of representation in international forums to preventing or restricting travel and communication with the outside world; curtailing commerce and tourism; and hampering the cultural and sports relations of the Turkish Cypriot people with foreign countries.

In view of the foregoing, it hardly needs to be stressed that Turkey's presence on the island, which emanates from the Treaty of Guarantee of 1960, is a vital security requirement for the Turkish Cypriots, as it serves as a deterrent against the repetition of Greek-Greek Cypriot aggression. In the face of the unprecedented build-up of arms and armed forces by the Greek Cypriot administration, which includes the purchase of the sophisticated S-300 missile system, the construction and inauguration of the Paphos military air base and the ongoing construction of the Zyghi naval base in South Cyprus for use by Greece, the necessity of maintaining the Turkish deterrent becomes all the more obvious.

As regards the so-called "colonization" of Northern Cyprus it should be pointed out that it is the Greek Cypriot side which, together with Greece, has always attempted to alter the demographic character of Cyprus, not only by introducing thousands of settlers from Greece but also by trying to "cleanse" Cyprus of its ethnic Turkish population. At present, the Greek Cypriot administration continues to admit tens of thousands of people from other countries and, as a result of the laxity of its immigration policies, South Cyprus has become, as widely reported by authoritative sources as well as the international press, a centre for money-laundering, drugs, arms smuggling and other illicit activity (see for instance, the International Narcotic Control Strategy report entitled "Money laundering and financial crimes: country reports", issued in 1998 by the State Department of the United States of America).

All parties interested in a peaceful settlement of the Cyprus dispute should no longer condone the efforts of the Greek Cypriot administration, which abuses forums such as the United Nations and the Movement of Non-Aligned Countries to shed crocodile tears and portray itself as having been victimized in Cyprus, when in fact on the basis of its usurped title of the "Government of Cyprus", it is seeking unilateral membership to the European Union before a viable settlement is reached between the two sides, in total defiance of the 1960 international agreements and the sovereign equality of the two peoples in Cyprus. As long as the Greek Cypriot side can get away with such a posture, it will have no incentive to seek a partnership settlement with the Turkish Cypriot side on the basis of the realities on the island.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda items 62 and 153, and of the Security Council.

(Signed) Aytuğ PLÜMER
Representative
Turkish Republic of Northern Cyprus

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United Nations reform: measures and proposals

Programme budget for the biennium 1998–1999

Methods of financing activities for natural disaster mitigation, prevention and preparedness beyond the biennium 1998–1999

Report of the Secretary-General

I. Introduction

1. In the report of the Secretary-General entitled "Renewing the United Nations: a programme for reform", the General Assembly was advised that the functions of the Emergency Relief Coordinator would be more focused on three core functions, in accordance with the provisions of General Assembly resolution 46/182 of 19 December 1991 (A/51/950, para. 186) are: (a) policy development and coordination functions in support of the Secretary-General, ensuring that all humanitarian issues are addressed; (b) advocacy of humanitarian issues with political organs, notably the Security Council; and (c) coordination of humanitarian emergency response.

2. Following upon the recommendations of the Secretary-General, the General Assembly, by resolution 52/12 B of 19 December 1997, decided to transfer to the United Nations Development Programme (UNDP) the responsibilities of the Emergency Relief Coordinator for operational activities for natural disaster mitigation, prevention and preparedness, with the understanding that the resources for this task would be separate and additional to the resources of UNDP for development activities and that they would be provided by a grant from the regular budget of the United Nations for the biennium 1998–1999. By the same resolution, the Assembly requested the Secretary-General to submit, before the end of the fifty-second session of the General Assembly, a report on the method of financing natural disaster mitigation, prevention and preparedness activities beyond the biennium 1998–1999.

3. The present report is submitted in response to the request of the Assembly.

II. Disaster reduction activities prior to United Nations reform

4. Prior to the programme of United Nations reform, the natural disaster reduction subprogramme of the Department of Humanitarian Affairs of the United Nations Secretariat was the responsibility of the Disaster Reduction Division which comprised the operational responsibilities of the Disaster Mitigation Branch, the Disaster Management Training Programme Unit and the specific mandated responsibilities of the secretariat for the International Decade for Natural Disaster Reduction. The aim of the subprogramme was to reduce the vulnerability of people and States affected

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by natural and technological disasters by means of capacity-building at the national and local levels. To achieve this, the subprogramme pursued a two-pronged approach, namely, promotion and application. The latter was the prime responsibility of the Disaster Mitigation Branch, while the Disaster Management Training Programme Unit supported the subprogramme, serving as an important educational tool for national government, non-governmental organization and United Nations system partners and contributing, *inter alia*, to the integration of disaster reduction into the national development planning process.

5. Pursuant to General Assembly resolution 52/12 B, the Disaster Management Training Programme Unit, which had been jointly managed since its inception by UNDP and the Department of Humanitarian Affairs, was fully divested to UNDP in March 1998. The functions formerly exercised by the Disaster Mitigation Branch were assumed by UNDP in April 1998.

6. The disaster mitigation, prevention and preparedness functions that were previously the responsibility of the Emergency Relief Coordinator were financed by both United Nations regular budget and trust fund resources. At the end of 1997, 9 of the 21 positions in the Disaster Mitigation Branch and the Disaster Management Training Programme Unit were funded from the United Nations regular budget. In the programme budget for the biennium 1998–1999, the amount of $2,309,300 was proposed for contribution to UNDP, an amount equivalent to the costs pertaining to the 9 core posts (8 in the Branch and one in the Unit) previously funded from the United Nations regular budget. The remaining 12 posts were funded from extrabudgetary resources and served in direct support of the implementation of activities financed by trust fund resources. Of those 12 posts, 3 were allocated to the Disaster Management Training Programme Unit, 9 were allocated to the Disaster Mitigation Branch (4 of which were assigned to Geneva), 3 posts were assigned to Quito for regional activities in Latin America and 2 were assigned to Suva for regional activities in the South Pacific.

III. Response by the United Nations Development Programme to the divestment of functions

7. In order to accommodate the functions divested from the Emergency Relief Coordinator, UNDP has established a Disaster Management Programme within its Emergency Response Division. In fulfilling the responsibilities related to the coordination of natural disaster mitigation activities as recommended in the programme for reform, the Disaster Management Programme also assumes the functions of disaster prevention, mitigation and preparedness, as they related to national capabilities. It is expected that the Disaster Management Programme will undertake these responsibilities, which relate mainly to capacity-building, through a range of cooperative initiatives and supportive activities, including those related to collaboration in policy formulation and advocacy.

8. The United Nations Development Programme has ensured that the functions and responsibilities of the Disaster Management Programme do not overlap with those core functions to be retained by the Emergency Relief Coordinator, namely, the development and coordination of policies which ensure that all humanitarian issues are addressed, as well as advocacy of humanitarian issues in political organs. Particular note was taken of the provisions of General Assembly resolution 52/12 B, whereby the Emergency Relief Coordinator retains responsibility for the coordination of natural disaster relief. The Coordinator also retains responsibility for the International Decade for Natural Disaster Reduction, together with its related resources.

9. The Executive Board of UNDP was advised that UNDP had assumed the divested operational functions on behalf of the United Nations system (see DP/1998/18). It reaffirmed that the coordination and support of disaster reduction activities at the country level, the ultimate objectives of which are to reduce vulnerability to disasters and to protect development gains, is in the interests of both the development and the humanitarian community. Therefore, UNDP will be expected to ensure, at the country level, a coordinated and integrated approach to disaster reduction, in which humanitarian agencies, development agencies and bilateral donors will, together with host Governments, participate in the identification of needs and in the design and implementation of appropriate interventions.

10. Through the system of resident coordinators, UNDP will also be in a strengthened position to support the coordination of the disaster reduction activities of the disaster management teams of the United Nations system at the country level.

11. Programmatic support for national capacity-building for disaster mitigation, prevention and preparedness has previously been provided by UNDP as part of its regular programming in disaster-prone countries. The decision of the General Assembly to consolidate the responsibility for

such capacity-building within UNDP is expected to produce significant new demands for technical cooperation and programme support activities. While some of the additional demands will be met through the application of UNDP core resources, additional resources for programme activities will be required. Trust fund resources devoted to the activities of the Disaster Mitigation Branch and the Disaster Management Training Programme Unit, while soon to be transferred to UNDP, have not been replenished during the past year.

12. In establishing the Disaster Management Programme, UNDP has made provision for the management and administrative structure previously funded from the United Nations regular budget. The resources to be provided to UNDP from the regular budget of the United Nations for the biennium 1998–1999 pertain only to the 9 posts that will continue to be dedicated to management and administrative tasks. No provision has been made for funding from the regular budget other staff support costs, such as those for travel, furnishings, equipment, supplies, printing, communications, maintenance and rental of premises. Accordingly, UNDP has to phase in activities in such a manner that all costs will remain within the amount provided from the regular budget for the biennium 1998–1999.

IV. Methods for future financing of activities for disaster mitigation, prevention and preparedness

13. The options for future financing of the management and administration of the operational activities transferred to UNDP are prescribed by the decision of the General Assembly, whereby the resources for this task will be separate and additional to those for development activities. They are further limited by the significant decline in recent years of official development assistance funds, as well as the decline in UNDP core resources. The United Nations Development Programme will not be in a position to support the management and administrative costs for the assumed disaster reduction functions from its development resources.

14. The continuation of the present arrangement whereby contributions are made from the United Nations regular budget in support of the management and administration of these responsibilities by UNDP is justified on the basis that UNDP assumed, at the request of the General Assembly, responsibilities that had been funded from the United Nations regular budget since 1992. The Disaster Management Programme will be providing, within the context of the United Nations system, similar levels and forms of services in support of disaster mitigation, prevention and preparedness activities as were previously provided by the Emergency Relief Coordinator and financed from the regular budget of the United Nations. Further, this arrangement recognizes that this aspect of the reform process should not entail an added burden to the already constrained voluntary contributions made towards development cooperation.

15. At its annual session, the Executive Board of UNDP took note of the options on future funding arrangements and heard divergent views on this matter from its members. There was general consensus on the need to put into place a long-term and predictable funding base for the management and administration of the divested functions, one which was not at the expense of UNDP development resources. There were, however, some differences of opinion on how that base should be established. Overwhelmingly, the members of the Executive Board reiterated the position taken by the General Assembly that UNDP core funds should not be employed for the administration and management of the divested functions. In that regard, most members who spoke indicated their support for continuing the allocation of United Nations regular budget resources to UNDP.

16. With regard to operational activities, UNDP will establish an open trust fund to support programmes similar to those previously funded through trust fund arrangements made with the United Nations. Contributions to the trust fund for the Disaster Management Programme will be additional to the core resources of UNDP made available to programme countries for activities of the type currently assisted by UNDP. While core resources remain the bedrock of UNDP activities, resources made available through trust funds and cost-sharing modalities have become increasingly vital in ensuring predictability of funding for a number of global and regional programmes. The support of donor Governments in increasing this important resource base will be required in order to maintain and build upon the level of previous activity provided by the Emergency Relief Coordinator.

V. Recommendation

17. It is recommended that the resources for managing and coordinating operational activities for natural disaster mitigation, prevention and preparedness continue to be separate and additional to the resources of UNDP for development activities, in accordance with the intent of the

General Assembly in paragraph 16 of its resolution 52/12 B, and that they continue therefore to be provided by a grant from the regular budget of the United Nations for future bienniums.

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Human resources management

Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Report of the Office of Internal Oversight Services on the audit of the employment of retirees

Note by the Secretary-General

1. Pursuant to General Assembly resolution 48/218 B of 29 July 1994 and decision 51/408 of 4 November 1996, the Secretary-General has the honour to transmit, for the attention of the General Assembly, the attached report, conveyed to him by the Under-Secretary-General for Internal Oversight Services, on the audit of the employment of retirees.

2. The Secretary-General takes note of its findings and concurs with its recommendations.

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Annex

Report of the Office of Internal Oversight Services on the audit of the employment of retirees

Summary

By its decision 51/408 of 4 November 1996, the General Assembly established new conditions for the employment of retirees and requested the Office of Internal Oversight Services (OIOS) to audit the compliance of recruitment of retirees in the Secretariat with the provisions of the present decision and to report thereon to the General Assembly at its fifty-third session.

As the employment of retirees was governed as well by other existing directives, including administrative instruction ST/AI/213/Rev.1 of 18 July 1984, OIOS decided to assess compliance with the provisions of decision 51/408 and those directives. Noting that decision 51/408 also called for the Secretary-General to produce a first report on the use of retired personnel covering the period from 1 January 1995 to 31 December 1997, OIOS decided to focus the audit on the employment of such personnel during this three-year period and a sample of 165 recruitment cases were reviewed in detail.

The audit gave rise to the following main observations and conclusions:

- There is a need for a standard definition of the term "retirees" to ensure the uniform application of the provisions of decision 51/408 and other related directives, as well as the accurate recording and reporting of information concerning the use of retired staff;
- Owing in part to differences in views as to who should be considered retirees under the existing directives, OIOS identified shortcomings in the recording of retiree data and their processing by the Secretariat's computerized personnel and payroll systems;
- There is also a need for a clarification of the provisions of decision 51/408, in particular as to whether the provision limiting the employment of retirees to six months per calendar year is applicable to retirees in general or only to those in receipt of a United Nations pension benefit;
- OIOS identified cases of non-compliance and other issues of concern involving 64 of the 165 cases examined;
- Of the 5,336 staff members of all categories recruited by the Secretariat during the period 1995–1997, at least 759, or 14 per cent, represent personnel who during that period were of retirement age, i.e., 60 years of age or over. OIOS believes that that figure is relatively high;
- There was gender imbalance in the recruitment of retirees during the three-year period 1995–1997;
- A number of retirees employed on a short-term basis were not medically cleared by the Medical Services Division of the Secretariat prior to their recruitment during the period 1995–1997.

As the foregoing findings indicate, there is a need for close monitoring of the employment of retired staff in the Secretariat to ensure full compliance with the established policies and related instructions. There is also a need to:

(a) Revise administrative instruction ST/AI/213/Rev.1 to reflect the new policies and procedures that have been adopted since its issuance;

(b) Limit the hiring of retired language services staff to those employable locally;

(c) Ensure that the new remuneration limits are applied consistently to all retirees receiving pension benefits, including those recruited under special service agreements and on a when-actually-employed (WAE) basis.

As detailed in the report, the Office of Human Resources Management and OIOS differ in their interpretation of the term "retirees" and of the applicability of the six-month limitation provision. For this reason, OHRM does not concur with some of the data and observations presented in the present report. It has agreed, however, with all of the recommendations contained therein.

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I. Introduction

1. By its decision 51/408 of 4 November 1996 on the employment of retirees, the General Assembly requested the Office of Internal Oversight Services to audit the compliance of recruitment of retirees in the Secretariat with the provisions of that decision and to report thereon to the General Assembly at its fifty-third session. In that decision, the General Assembly also:

(a) Endorsed the recommendations and observations of the Advisory Committee on Administrative and Budgetary Questions (ACABQ) contained in its report of 8 October 1996 on the employment of retirees (A/51/475), subject to the provisions of decision 51/408;

(b) Decided to set a ceiling across the board of 22,000 United States dollars per calendar year, representing the amount updated from the $12,000 limit set by the General Assembly in 1982, for the employment of retired staff in receipt of a pension benefit from the United Nations Joint Staff Pension Fund, with the exception of language services staff for whom the ceiling would be $40,000 per calendar year, and to limit such employment in all cases to no more than six months per calendar year;

(c) Also decided that no former staff member in receipt of a pension benefit should be re-employed at a level higher than that at which he or she separated from the organization concerned, nor should he or she be remunerated at a level higher than that at which regular staff are remunerated for the same function at the same duty station;

(d) Requested the Secretary-General, in employing retirees, to continue to seek geographical balance in accordance with Article 101 of the Charter of the United Nations, as well as gender balance;

(e) Also requested the Secretary-General to observe strictly the current practice whereby retirees must be medically cleared before re-employment;

(f) Further requested the Secretary-General to report to it every two years on all aspects of the use of retired personnel, including possible revision of the limits mentioned in subparagraph (b) above, and providing information concerning retirees recruited on a short-term basis at all categories and at all levels as well as under special service agreements; the first report, exceptionally, to cover the period from 1 January 1995 to 31 December 1997 and to be transmitted through the Advisory Committee to the General Assembly at its fifty-third session.

2. The Assembly's decisions concerning the employment of retirees are implemented by the Secretary-General principally through guidance provided by administrative instruction ST/AI/213/Rev.1, entitled "Retention in service and employment beyond the age of retirement". This administrative instruction includes the following provisions under the headings "Employment after age 60" and "Service under a special service agreement after age 55":

> "10. A corollary of the age of retirement of Secretariat staff being fixed at 60 years is that staff will not normally be appointed above that age. However, staff above that age may be appointed on a short or fixed-term appointment, if no other suitable candidate is available:
>
> "(a) For service specifically with a United Nations mission, under the 100 series of Staff Rules, or
>
> "(b) For service as technical assistance project personnel, under the 200 series of Staff Rules, or

"(c) For conference and other short-term service under the 300 series of Staff Rules, provided that the period or periods of service under such an appointment do not exceed six months in any one period of 12 consecutive months.

"11. No former staff member shall be so appointed within three months of retirement at or after the age of 60.

"12. ... all staff aged 60 years or more on appointment or reappointment will participate in the Pension Fund under the same conditions as staff under that age.

"13. ... (b) In accordance with section VIII of General Assembly resolution 37/237 of 21 December 1982 on the use of experts and consultants in the United Nations, no former staff member who is in receipt of a pension benefit from the United Nations Joint Staff Pension Fund shall receive from any United Nations funds more than $12,000 in any one calendar year in emoluments for work performed by him or her under contract or a special service agreement."

3. Since the employment of retirees was governed as well by other existing directives, including administrative instruction ST/AI/213/Rev.1, OIOS decided to assess compliance with the provisions of decision 51/408 and those directives. Noting that decision 51/408 called for the Secretary-General to produce a first report on the use of retired personnel covering the period from 1 January 1995 to 31 December 1997, OIOS decided to focus the audit on the employment of retirees during this same three-year period.

II. Definition of retirees and application of the six-month limitation provision

4. In implementing General Assembly decision 51/408 on the employment of retirees, the Office of Human Resources Management (OHRM) defines retirees as former staff members of more than 55 years of age who are in receipt of a monthly pension fund payment from the United Nations Joint Staff Pension Fund. OIOS notes, however, that this definition excludes staff members who have attained the retirement age, but for some reason are not in receipt of a monthly United Nations pension benefit. These staff members would include those who continue to be employed after retirement age, those who have retired and rejoined the Pension Fund as contributing members after more than six months of continuous service and those who have elected to receive their pension benefits as a withdrawal settlement upon retirement. The definition also excludes those new staff members who are over the retirement age at the time of their recruitment. This gives rise to the question of whether the employment of those individuals who do not fall within OHRM's definition of retirees should nevertheless be subject to the conditions governing the employment of retirees, in particular the provision that limits employment of retirees to a six-month period in any calendar year.

5. In accordance with its definition of retirees and in the belief that the six-month limitation provision is meant primarily to control the so-called "double-dipping" practice in which retirees simultaneously receive a monthly pension benefit and a salary from the United Nations, OHRM interprets that provision as applying only to retirees who are receiving a monthly United Nations pension benefit. OIOS disagrees with this interpretation because it implies that, as long as a retiree is not "double-dipping", he or she can be re-employed continuously and without limit. In the view of OIOS, this is contrary to the General Assembly's intent in establishing conditions for the employment of retired staff and does not take into account the Assembly's concerns about the negative impact of such

employment. In its resolution 49/222 of 23 December 1994, for example, the Assembly expressed its concern about the potential adverse effects of the use of retirees on recruitment and promotion in the Secretariat.

6. OIOS further notes that that Advisory Committee, in its report of 8 October 1996 on the employment of retirees (A/51/475), observed "that former staff members who have retired from the Organization should not be reappointed except under very exceptional and limited circumstances", and that "no retired staff member should be employed for more than six months per year". On the other hand, in the same report, the Advisory Committee also stated that:

> "The Committee agrees that there may be particular merit in using retired staff, on an exceptional and short-term basis, after having ascertained that all other options are unsuitable, particularly in relation to field mission service, in cases of major complex humanitarian emergencies or in assignments related to conference services. However, this resource should only be utilized under the oversight and control of the Office of Human Resources Management, which must ensure that the conditions enumerated in paragraphs 3 and 4 of the Secretary-General's report are strictly observed."

The Secretary-General's report of 16 August 1996 referred to in the above-quoted text is contained in document A/C.5/51/2, and paragraphs 3 and 4 of that report read as follows:

> "3. Reflective of the guidance and concerns of Member States on the subject, the general policy for the employment of retirees within the global Secretariat provides that staff will not normally be appointed above the mandatory retirement age. However, when their appointment on a temporary basis is considered in the best interests of the Organization and unless no other suitable candidate is available, they may be appointed under the following conditions:
>
> "(a) For service specifically with a United Nations mission, under the 100 or 300 series of the Staff Rules;
>
> "(b) For service as technical assistance project personnel, under the 200 series of the Staff Rules;
>
> "(c) For conference and other short-term service, under the 300 series of the Staff Rules, provided that the period or periods of service under such an appointment do not exceed six months in any one period of 12 consecutive months. Moreover, no staff member shall be appointed within three months of retirement at or after the mandatory retirement age. Since participation in the United Nations Joint Staff Pension Fund is no longer limited to staff who are employed for six months or more under the mandatory retirement age, all re-employed retired staff must participate in the Pension Fund under the same conditions as staff under that age.
>
> "4. In the implementation of these policy guidelines, the substantive department/office is responsible for carrying out a programmatic evaluation of the work to be performed ... and for ascertaining that there are no staff on board who can effectively perform the functions within available resources. Once the determination is made that external support is required, programme managers, in consultation with their Chiefs of Administration/Executive Officers, are required to ascertain that:
>
> "(a) The relevant resolutions and decisions of the General Assembly on the employment of retirees are fully respected;
>
> "(b) The regulations of the United Nations Joint Staff Pension Fund are fully respected and applied;

"(c) The resort to external support does not adversely impact the development and legitimate career aspirations of serving staff;

"(d) There are no qualified and available non-retiree sources of external personnel to perform the required functions;

"(e) The employment of the retiree represents both a cost-effective and operationally sound solution to meeting the needs of the service."

7. In the opinion of OIOS, the provisions or statements quoted in paragraphs 5 and 6 above clearly indicate that the Organization as a whole is concerned not only with the "double-dipping" practice, but also with other broader implications of the employment of retired staff. For this reason, OIOS believes that an equally broad definition of the term "retirees" is called for and that the six-month limitation provision should be applied on a wider basis, subject to any exceptions that may be authorized to cover the cases and conditions described in the reports referred to above by the Advisory Committee and the Secretary-General, respectively.

8. To clarify the definition of the term "retirees" and the application of the six-month limitation provision, OHRM and OIOS jointly requested a legal interpretation from the Office of Legal Affairs. According to the interpretation of that Office, the term "retirees", within the meaning of subparagraph (b) of decision 51/408, refers only to retired staff members receiving a pension benefit from the United Nations Joint Staff Pension Fund. The Office of Legal Affairs also stated that the broader concerns of OIOS are already addressed in the Secretary-General's report (A/C.5/51/2) and in administrative instruction ST/AI/213/Rev.1. However, the Office of Legal Affairs also stated that the application of the six-month limitation provision to all categories of retirees would require action by the General Assembly. OIOS believes that General Assembly action explicitly addressing these issues is both appropriate and necessary because the provision in question, as currently applied by OHRM, may not fully address all of the concerns raised by the Assembly on the use of retired personnel.

Need to update the administrative instruction on the employment of retired staff

9. As discussed above, the policies concerning the employment of retirees are implemented by the Secretariat primarily through guidance provided in administrative instruction ST/AI/213/Rev.1. However, since its issuance in July 1984, this instruction has not been revised to reflect policy changes adopted since that date through General Assembly resolutions and other issuances. Not reflected in that instruction are the relevant provisions contained in the following issuances:

- ST/SGB/Staff Rules/1/Rev.7/Amend.2 of 25 July 1991, and revised Staff Regulation 9.5 of 19 December 1989, providing that staff members shall normally not be retained in active service beyond the age of sixty years or, if appointed on or after 1 January 1990, beyond the age of sixty-two years;
- ST/AI/403 of 18 May 1995, providing that staff members who left the Organization under the early separation programme cannot be reappointed for a four-year period following separation;
- General Assembly resolution 49/222 B of 20 July 1995, providing that the remuneration limits of $12,000 in any one calendar year applied to all types of

appointment for former staff receiving pension benefits from the United Nations Joint Staff Pension Fund;

- The Secretary-General's report on the employment of retirees (A/C.5/51/2), which established new criteria for such employment;
- General Assembly decision 51/408, establishing new limits and conditions on the employment and remuneration of retired staff;
- Information circular ST/IC/1997/62 of 19 September 1997, providing that the established remuneration limits applied to the gross amount of the fee payable to retirees employed under special service agreements, or to the gross amount of salary, less staff assessment, for retirees employed under letters of appointment.

III. Number of retirees employed during the period 1995–1997

10. The audit disclosed shortcomings in the way data concerning retired staff were recorded in the Integrated Management Information System (IMIS) and the Integrated Personnel/Payroll System (IPPS) and in the way these systems had been programmed to process and report the data. OIOS noted that, in documenting a staff member's separation on retirement, departments were recording the action as a "retirement", if the staff member held a permanent appointment on the separation date, or an "expiration of appointment" if the staff member held a fixed-term or other non-permanent appointment on that date. In reviewing the impact of this practice on the data entered into the Integrated Management Information System and the Integrated Personnel/Payroll System, OIOS noted that these systems did not adequately provide for the proper handling and reporting of such data. For example, when a list of retirees employed during the period 1995–1997 was requested from IMIS, it produced a list containing only 16 names. This has been attributed to the incomplete historical database and related programming deficiencies of the System. When a similar request was made subsequently of IPPS, it produced a list containing 223 names (comprising only those staff members whose separations were coded "retirement"). In contrast, the final list accepted for audit purposes by OIOS and generated from IPPS according to the OIOS selection criteria contains a much higher number of retirees (759). The above situation indicates that the computerized data on retirees are not reliable and that action is needed to ensure that retiree data are accurately recorded, processed and reported through IMIS.

11. Using the criteria that "retirees" refers to all staff members who had attained retirement age, OIOS determined that 759 such staff members served or were on board in the Secretariat during the three-year period 1995–1997. These criteria are based, in part, on the Organization's retirement policy as set out in Staff Regulation 9.5, which provides that staff members shall normally not be retained in active service beyond the age of 60 years or, if appointed on or after 1 January 1990, beyond the age of 62 years.

12. The total of 759 retirees includes only staff members employed under letters of appointment. It does not include those retirees who served under special service agreements, because the related data were either incomplete or not immediately available. Also, no information was available on retired staff members who may have been re-employed through private companies contracting with the United Nations.

13. The above total represented 14 per cent of the 5,336 staff members of all categories who were recruited during the period 1995–1997 in the Secretariat, as provided through IPPS. Following is a breakdown by age bracket of the 759 retired staff employed during the period 1995–1997:

Age distribution of re-employed retirees

Age bracket	*Number*	*Percent of total*
60-64	506	66.7
65-69	181	23.8
70-74	58	7.6
75-79	12	1.6
80 and over	2	0.3
Total	**759**	**100.0**

14. OIOS also noted the following:

- 229 (30 per cent) filled language services posts at Headquarters, and 104 (14 per cent) served in peacekeeping missions or with the Department of Peacekeeping Operations at Headquarters;
- 493 (65 per cent) were male, and 266 (35 per cent) were female;
- 579 (76 per cent) were recruited in the Professional and higher categories, and 180 (24 per cent) in the General Service and similar categories;
- 381 (50 per cent) were nationals of five countries (Egypt, France, Spain, the United Kingdom of Great Britain and Northern Ireland and the United States of America), and 378 (50 per cent) were nationals of 83 other countries. However, it should be noted that over 40 per cent of the 759 retired staff members served in language services and peacekeeping mission posts, which are normally not subject to geographical distribution.

15. The above data, in the view of OIOS, support the following conclusions:

(a) The number of retirees employed during the period 1995–1997 was relatively high;

(b) There was gender imbalance in the recruitment of retired staff during the period 1995–1997, as measured against the Organization's goals in this regard and the overall breakdown of Secretariat staff by gender for the same period, which was 55 per cent male and 45 per cent female;

(c) There is a need to limit the employment of retirees in the Secretariat and to find alternative means, such as outsourcing and developing in-house expertise, of acquiring the required services.

16. *Although OHRM disagreed with OIOS' observation that the number of retirees employed during the 1995–1997 time frame was relatively high, it concurred with the conclusion that there is a need to find alternatives to the use of retirees. With regard to the observation on gender imbalance, OHRM stated that it would be difficult "to consider gender balance for recruitment of retirees in the same way we consider these aspects for recruitment of normal career staff, particularly when recommendations to resort to local appointments are complied with for cost reasons".*

IV. Cases of non-compliance with directives on the employment of retirees

17. Based in part on the OIOS interpretation of the term "retirees" and of the existing directives on the employment of retirees, 165 cases of appointments at Headquarters were selected for detailed examination. Based on this examination, a number of cases were identified in which these directives were not complied with. A summary description of these cases follows.

Appointment in excess of the six-month limit per calendar year

18. OIOS identified 15 retirees who, in violation of established policy, were hired under fixed-term appointments and were employed for continuous periods exceeding the six-month limit. Nine of the retirees worked continuously for periods of from 7 to 15 months, and six others served continuously for periods ranging from 26 to 77 months.

19. In addition, the audit disclosed that three of the latter group were granted promotions to the next higher grade level (two in the Professional and higher categories, one in the General Service category) during their extended period of service as retirees.

20. *OHRM did not concur with the above observations, in view of its interpretation of the six-month limitation provision discussed earlier, and the fact that the staff members referred to above had all re-entered the Pension Fund and were, therefore, no longer receiving pension benefits from the United Nations during their extended period of re-employment.*

Retirees receiving payments in excess of the remuneration limits

21. The audit identified eight cases in which retired staff members received salary payments in excess of the established remuneration limits while at the same time also receiving monthly pension benefits. The amount by which the limit was exceeded in these eight cases averaged over $19,000 per retiree. Three of the cases related to retirees who were hired under special service agreements (SSAs) and four cases involved retirees appointed under short-term contracts on a "when-actually-employed" (WAE) basis. These payments in excess of established limits were attributed to the lack of awareness on the part of the departments involved, whereby, owing to the nature of special service agreements and WAE appointments, the retirees in question were not required to re-join the Pension Fund. There was also an absence of controls to prevent the remuneration limits from being exceeded. Some of the WAE cases also involved a violation of the established time limit of six months per calendar year.

22. To prevent a recurrence of similar cases, there is a need to establish controls in this area, such as requiring user departments to review each individual's United Nations employment and payment history as a retiree before hiring him or her under a letter of appointment or special service agreement.

Other non-compliance cases

23. The audit identified five cases of non-compliance with the provision prohibiting the appointment of retirees within three months of their retirement date. In five other cases, there was non-compliance with the rule requiring that staff appointed for periods of six months or longer must participate in the Pension Fund. These cases provide further grounds for closely monitoring the hiring of retired staff to ensure compliance with relevant policies.

V. Other problem areas

Employment of retirees for conference services

24. The audit showed that the practice of hiring a significant number of retirees for conference services has continued. Of the 457 retirees recruited at Headquarters during the period 1995–1997, 229 (50 per cent) were language services staff, including 145 who were employed in 1997 alone. Of these 145 retirees, 135 (93 per cent) were Professional staff, including 25 interpreters, 57 revisers and 27 translators. The remainder were conference clerk-typists.

25. The number of retirees serving as revisers is particularly noteworthy in terms of their ratio to the total number of revisers assigned to each language section. OIOS noted that in 1997, 18 of the 36 revisers assigned to the Arabic and French Translation Sections (nine in each section, or 50 per cent of each section's total revisers) were retirees. In the Spanish Translation Section, the percentage of retired staff serving as revisers was 31 per cent. In a number of cases, retirees in these sections were hired and charged against established posts.

26. In the view of OIOS, this practice lends further credence to the concerns expressed by the General Assembly on the use of retirees, in particular with regard to the adverse impact their continued hiring may have on the career prospects of regular staff.

Non-local recruitment of retiree language staff

27. Although a significant number of retiree language staff continued to be employed on the more costly non-local basis, the Secretariat has had some success in its efforts, as reported by the Secretary-General in A/C.5/51/2, to "maximize the use of local freelance staff and avoid payment of costly travel expenses and daily subsistence allowances". The following figures compiled by OIOS indicated that, since 1995, the extent of non-local hiring of retirees for conference services Secretariat-wide had decreased from year to year in relation to the total retired language staff employed.

Retired language staff employed during the period 1995–1997

		Employed on non-local basis	
Year	*Total employed*	*Number*	*Percent of total*
1995	224	106	47
1996	143	50	35
1997	238	74	31

28. Based on the available figures, OIOS estimates that for the period 1995–1997, the United Nations paid almost $8 million more at Headquarters alone by hiring 38 non-local, instead of local, retired language staff. This amount does not include the administrative cost of providing visas and other services such as telecommunications. *At the same time, according to OHRM, offsetting savings of an undetermined amount have been achieved through the use of remote telecommunications facilities in obtaining the services of translators from their places of residence.*

29. The main reason given for recruiting retired language staff on a non-local basis has been that the only suitable candidates available resided abroad. There apparently have been cases, however, of retirees being hired on a non-local basis although they maintained a residence in New York at the time of recruitment. One such case identified by OIOS involves a staff member who retired in 1984 and during the period 1985–1996 was continuously hired twice a year on a non-local basis. In addition to a P-5 salary, this retiree was paid per diem at the New York rate, although he maintained a residence in New York prior to his retirement and throughout that period, giving rise to the possibility that he could have been hired locally. Because each appointment was for a period of less than six months, he continued to receive pension benefits in addition to a salary and per diem. OIOS estimates that, in 1995, he received a combined total of $136,000 in salary, pension benefits, two round-trip air tickets and per diem for 193 days. His combined 1996 United Nations income amounted to about $86,000. Since 1997, however, when he acquired permanent residence status in the United States, he has been reappointed on a local basis.

30. *In respect of the foregoing, OHRM commented as follows: "As regards the recommendation to limit the hiring of language staff to those employable locally, we fully agree with the idea, but for interpreters this is not always possible. For translators, there are more possibilities since translation/revision should preferably be contracted locally (where the translators reside), with electronic transmissions through the Internet or by other means as already in use by the Department of General Assembly Affairs and Conference Services."*

Recruitment of retirees without prior medical clearance

31. The audit disclosed that, in a number of cases, retirees had been recruited without being medically cleared beforehand by the United Nations. In each case, the audit team found a medical certificate issued by a private physician, but no indication that the physician's findings had been reviewed and endorsed by the Medical Services Division.

32. The Division explained that, as a rule, primarily owing to lack of resources, its medical clearance procedures were not applied in connection with the appointment of retirees on a short-term basis. In the view of OIOS, this poses a risk because, although retirees may be hired initially for a short-term period, they could be, and in many cases have been, rehired continuously from year to year, allowing them to serve for a relatively lengthy period. Not subjecting the appointment of retirees to prior medical clearance exposes the Organization to financial risks, in particular with regard to retirees at more advanced ages.

VI. Conclusions and recommendations

33. The audit indicated that, despite the steps taken by the Secretariat to date in reducing its reliance on the services of retired staff, the number of such staff being hired is, in the view of OIOS, still high and should be further reduced. Hiring retirees should be considered

a last resort and not a preferred method of filling certain vacant posts, even on a temporary basis. This requires a stronger effort and commitment by the departments involved to ensure compliance with the Secretary-General's policy for reform.

34. The audit also showed that, in addition to reducing the Organization's reliance on retired staff, there is a need to strengthen the related internal controls in order to ensure full compliance with the conditions and limits set by the General Assembly regarding the employment of retirees. OIOS makes the following recommendations towards this end:

- *Recommendation 1*. OIOS recommends that the Office of Human Resources Management provide a standard definition of the term "retirees" and clarify whether the six-month limitation provision applies only to retired personnel in receipt of a United Nations pension benefit or whether it applies also to retired personnel who do not receive such a benefit (AH97/28/1/001);
- *Recommendation 2*. The Office of Human Resources Management should revise the existing administrative instruction on the employment of retirees to reflect the changes in policies and procedures that have been adopted since its issuance, as well as the definition of retirees to be determined in accordance with recommendation 1 above (AH97/28/1/002);
- *Recommendation 3*. The Office of Human Resources Management, in cooperation with individual departments and the IMIS Project Team, should take appropriate action to ensure that retiree-related data are accurately recorded, maintained and reported by the Secretariat (AH97/28/1/003);
- *Recommendation 4*. The Office of Human Resources Management should: (a) closely monitor the employment of retirees by individual user departments to ensure that such employment is used under exceptional and limited circumstances only; and (b) promote alternative means of acquiring the required services by developing in-house expertise (AH97/28/1/004);
- *Recommendation 5*. The Office of Human Resources Management should regularly monitor retiree appointments to ensure compliance with the provision limiting the period during which retirees can be employed in any calendar year (AH97/28/1/005);
- *Recommendation 6*. The Department of Management should establish a procedure, as part of the built-in controls within IMIS or on a manual basis, to ensure that the remuneration limits set forth under General Assembly decision 51/408 are strictly adhered to in the case of retirees serving under either letters of appointment or special service agreements (AH97/28/1/006);
- *Recommendation 7*. The Department of General Assembly Affairs and Conference Services, in cooperation with the Office of Human Resources Management, should conduct a comprehensive review of the use of retirees for conference services, with a view to reducing the number of retirees employed for those services and ensuring that the career prospects of regular staff are not adversely affected by the use of retirees (AH/97/28/1/007);
- *Recommendation 8*. The Department of General Assembly Affairs and Conference Services, in cooperation with the Office of Human Resources Management, should continue its efforts to reduce, to the fullest possible extent, its reliance on retirees in general, and to make all possible efforts to recruit language staff on a local, rather than non-local basis (AH97/28/1/008);

- *Recommendation 9.* The Office of Human Resources Management should take appropriate steps to ensure that the requirement to have retirees medically cleared prior to recruitment is applied consistently and without exception (AH97/28/1/009).

35. *The Office of Human Resources Management had the following overall comments on the findings and recommendations contained in the present report: "OHRM believes that, in general, the conditions for re-engagement of retirees are observed throughout the Organization both by management and the retirees themselves. In cases where suspicions of abuse exist, these should be addressed immediately with the Departments requesting the services, and OHRM intends to monitor this when full IMIS recording of the contracting of retirees is achieved."*

(*Signed*) Karl Th. **Paschke**
Under-Secretary-General for Internal Oversight Services